

1 CURTIS R. TINGLEY (SBN112322)
2 ctingley@tingleyllp.com
3 BRUCE C. PIONTKOWSKI (SBN 152202)
4 bpiontkowski@tingleyllp.com
5 TINGLEY PIONTKOWSKI LLP
6 10 Almaden Boulevard, Suite 430
7 San Jose, California 95113
8 Telephone: (408) 283-7000
9 Facsimile: (408) 283-7010

10 Attorneys for Defendants
11 MASTER MARKETEERS, INC.,
12 and SUSAN PACINI

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISCTRRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHANEL, INC., a New York corporation,

Plaintiff,

v.

SUSAN LYNNE PACINI aka SUSAN L. PACINI dba
PLANET TAN dba MASTER MARKETEERS, INC.,
and DOES 1-10, inclusive,

Defendants.

CASE NO. CV-07-05946 CRB

**DECLARATION OF SUSAN PACINI
IN SUPPORT OF DEFENDANT
PACINI'S MOTION TO SET ASIDE
DEFAULT [FRCP 55(c)]**

**Date: May 30, 2008
Time: 10:00 a.m.
Courtroom: 8, 19th Floor
Honorable Charles R. Breyer**

I, SUSAN PACINI, declare under the penalty of perjury that:

1. I am a defendant in the above-entitled case and am an officer of Master Marketeers Inc.

2. I am competent to testify regarding the matters stated herein based upon my own personal knowledge and I could testify as to these matters in a Court of Law.

3. For the past several years, Master Marketeers Inc., has owned and operated tanning salons in Northern California and has sold incident products, including purses.

4. During the summer of 2007, Master Marketeers Inc. purchased and sold several purses and other merchandise in the tanning salon. I believed that the merchandise was genuine

1 and were not "knock offs" or "counterfeits." I was told by the person who sold the purses that the
2 purses were "last season's" designs and were leftovers.

3 5. In the Summer of 2007, an investigator came and removed several purses from the
4 tanning salon along with other merchandise.

5 6. Out of concern that this matter might result in some type of legal matter, Master
6 Marketeers Inc. and I retained attorney Randall Knox as legal counsel.

7 7. I was concerned about the investigator who seized the purses and merchandise.
8 They had been threatening to our staff when they came to the salon. I, therefore, wanted Mr.
9 Knox to investigate to attempt to resolve the matter so that it did not become a bigger issue.

10 8. Subsequently, I provided Mr. Knox with a copy of a "cease and desist" letter from
11 an attorney in Florida who purportedly represented Chanel.

12 9. On or about December 26, 2007, I sent Mr. Knox a copy of a complaint filed by
13 Chanel against myself and my company regarding the purses. It was my understanding that he
14 would address the matter.

15 10. Mr. Knox discussed the complaint with me and suggested that he would continue
16 to try to resolve the matter.

17 11. I did not hear from Mr. Knox until he called me in early April 2008. In that
18 telephone conference he stated that a deadline had been missed and that I should retain civil
19 counsel. Within days, I retained the law firm of Tingley Pionkowski LLP.

20 I declare under the penalty of perjury that the foregoing statement is true and correct and
21 is made under the laws of the State of California and the United States. This declaration is being
22 made in Discovery Bay, California, on April 14, 2008.

23
24 Dated: April 14, 2008

/s/ Susan Pacini
SUSAN PACINI

25
26
27
28

1 I hereby attest that I have on file all holograph signatures for any signature indicated by
2 "conformed" signature (/s/) within this e-filed document.

3 Dated: April 18, 2008

TINGLEY PIONTKOWSKI LLP

5 By: /s/ Bruce C. Piontkowski
6 BRUCE C. PIONTKOWSKI
7 Attorneys for Defendant